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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/633,687

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EXAMINER

NATNAEL, PAULOS M

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/633,687

Applicant(s)

ENGHOLM, KATHRYN A.

Examiner

Paulos M. Natnael

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5, 8 and 10-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 10 and 11 is/are rejected.
- 7) ☒ Claim(s) 8, 12 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims **1-3, 10 and 11** are again rejected under 35 U.S.C. 102(b) as being anticipated by **Yokoyama et al.**, U.S. Pat. No. **5,291,285**.

Considering claim **1**, Yokoyama et al. disclose a Signal Level Images or Bars 96, 97, and 98, (Fig.3) which display levels of television channels having a plurality of ranges and amplitude, associated with respective TV channels, wherein the number of channel representation (bars) on the screen may be changed as necessary (col. 8, lines 7-17), and by the disclosure that "a region 92 within the scale display region 91 for displaying level images, such as bars 97, associated with respective TV channels." (Col. 4, lines 64-67) Note that bar graphs in spectrum analyzers such as shown in FIG.3 for channels 96 to 98 or for other data are shown in different colors or different brightness levels to make it easier for the user of the level meter or spectrum analyzer.

Considering claim **2**, wherein the trait represents a measured value for a signal parameter of the at least one channel where the region of interest is a frequency range having multiple channels, is met by is met by Fig.3, which illustrates the control panel

and screen of a TV signal level meter, including bars 96,97 and 98 show the digital level value of a specified channel.

Regarding claim 3, see rejection of claim 2;

Considering claim 10, wherein the trait represents activity for the at least one code where the frequency range of interest is a digital communications radio frequency channel is met by bar 96, Fig.3.

Regarding claim 11, see rejection of claim 10.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4 and 5 are again rejected under 35 U.S.C. 103(a) as being unpatentable over Yokoyama et al., U.S. Pat. No. 5,291,285.

Considering claims 4 and 5, Yokoyama discloses the "region 94 for displaying digital values and other data for a specified channel (SP-CH); and a region for displaying other data items. Yokoyama discloses a TV signal level meter which is capable of measuring

an simultaneously indicating the levels of signal for a multitude of TV channels. (Col. 2, lines 5-8) Since the claimed conditions such as pass, caution and fail imply some sort of measurement or test had been done or conducted on the desired subject, it would have been obvious to the skilled in the art at the time the invention was made to modify the reference of Yokoyama to display such conditions as pass, caution and fail in the region 94 for displaying digital values and other data items, so that the user can easily monitor the operation of the device.

### ***Response to Arguments***

5. Applicant's arguments filed on January 10, 2005 have been fully considered but they are not persuasive. Applicant argues that "a band of adjacent stripes of equal length" as recited in claim 1 is not equivalent to the bar graph of Yokoyama where the bars are not of equal length....The adjective descriptor merely indicates the use of the ribbon - hair ribbon, gift wrapping ribbon, etc. To say that under any ordinary English language usage that a "ribbon" is equivalent under any interpretation to the bar graph of Yokoyama is ludicrous. Claim 1 also now recites that the trait is selected from the group consisting of hue, saturation and brightness which covers both color and grey scale implementations. Color may be divided into hue, saturation and brightness or luminance, as is well known to one of ordinary skill in the art. With regards to claims 6 and 7 there is no indication in Yokoyama that the colors of the bars change in any manner or are indicative of any characteristic of the TV channels. Therefore Applicant

submits that Yokoyama is not anticipatory of claims 6 and 7. In any event Applicant submits that claim 1 as amended and claims depending therefrom are neither anticipated nor rendered obvious to one of ordinary skill in the art by Yokoyama.

The examiner submits that Yokoyama et al discloses a television signal level meter, which is capable of simultaneously displaying levels for a multitude of television channels in a scale having a variable dynamic range. Figure 3 of Yokoyama discloses a diagram illustrating a front panel of the TV signal level meter including a control panel and a screen. Yokoyama et al discloses "a region 92 within the scale display region 91 for displaying level images, such as bars 97, associated with respective TV channels; a region 93 below the region 92 for displaying TV channel numbers; a region 94 for displaying digital values and other data for a specified channel (SP-CH) and a region for displaying other data items." (Col. 4, line 64 through col. 5, line 2) Yokoyama's bar or level image 97 represents a signal level of the channel. Yokoyama discloses the region 94 for displaying digital values and other data for a specified channel (SP-CH); and a region for displaying other data items. Yokoyama discloses a TV signal level meter which is capable of measuring and simultaneously indicating the levels of signal for a multitude of TV channels. (Col. 2, lines 5-8)

Furthermore, Yokoyama discloses that "the image representing a level of each TV channel may be another graphical representation other than the bar chart as employed in the illustrative embodiment. Secondly, although the number of bars simultaneously displayed on the screen is determined to be eight, this number may be changed if

necessary as long as the level image display region on the screen permits. It is also possible to change the number of bars designating channels. Further, while the number of channels whose signal levels are digitally displayed is one in the forgoing embodiment, the number of such channels may be increased if necessary. Also the digital values of levels of all channels may be displayed on the screen. (see col. 8, lines 6-21)

Note that in the reference of Yokoyama, the bottom and top of the signal level 97 are not shown, as in the claimed "ribbon". Such lines serve only as visual aids for presenting some continuity. In other words, the top and bottom lines of Applicant's "ribbon" which connect real frequencies are only for depiction purposes, and not for any actual signal representation. Examiner submits, therefore, that the Yokoyama reference clearly shows a "ribbon", without the top and bottom lines, of course. And, if one were to add top and bottom lines to the bars 96,97,98, in Fig.3, these signal levels (the bars) would be equivalent to the claimed "ribbon". The Examiner further submits, given the broadest reasonable interpretation, the amplitude of the bar may be considered a trait of the bar. Further, Yokoyama's bars separated by spaces meet the claimed stripes separated by spaces, one stripe or bar representing a channel or code. Therefore, the argument that a band of adjacent stripes of equal length is not equivalent to the bar graph of Yokoyama and that the adjective descriptor merely indicates the use of the ribbon - hair ribbon, gift wrapping ribbon, etc.- is unpersuasive.

***Allowable Subject Matter***

6. Claims **8, 12-13** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to disclose a display of signal characteristics comprising, a draggable window encompassing a subset of channels/codes for which additional detail is desired, as in claim 8; and, draggable window encompassing a subset of codes for which additional detail is desired where the frequency range of interest is a digital communications radio frequency channel, as in claim 12.

***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.




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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paulos M. Natnael whose telephone number is (571) 272-7354. The examiner can normally be reached on 10:00am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571)272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PMN  
June 8, 2005

  
**PAULOS M. NATNAEL**  
**PATENT EXAMINER**  
Primary Examiner